



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wu-Po Ma *et al.*
Serial No.: 09/577,304
Filed: 05/24/00
Entitled: Improved Enzymes For The Detection Of Specific Nucleic Acid Sequences

Group No: 1652
Examiner: C. Patterson

AMENDMENT TRANSMITTAL

BOX NON FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 16 2002
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: December 13, 2001

By:

Mary Ellen Waite
Mary Ellen Waite

Sir or Madam:

Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	48	—	57	0	×	18.00	\$0.00
Independent Claims	2	—	3	0	×	84.00	\$0.00

TOTAL DUE 0.00

1. No additional fee is required.
2. Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: December 13, 2001

By:

David A. Casimir
Registration No. 42,395

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101 Howard Street, Suite 350
San Francisco, California 94105
415/904-6500

#10/B
NB
01/17/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ma et al.
Serial No.: 09/577,304
Filed: 09/20/01
Entitled: Improved Enzymes for the Detection of Specific Nucleic Acid Sequences



Group No.: 1652
Examiner: C. Patterson

AMENDMENT & RESPONSE TO
OFFICE ACTION MAILED NOVEMBER 27, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1000/2900

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Dated: <u>December 13, 2001</u>	By: <u>Mary Ellen Waite</u> Mary Ellen Waite

Sir:

The following communication is responsive to the Office Action mailed November 27, 2001.

IN THE CLAIMS

✓ ✓ ✓ ✓ ✓
Please cancel Claims 16, 17, 20-23, 45, 46, and 47.

REMARKS

In the present Office Action, the Examiner restricted the claims into 203 groups. Applicants note that the number of groups does not correspond to elements of the claims (there are not 203 distinct sequences that correspond to the Examiners groups) and that the restriction is improper as it attempts to restrict generic claims to elements found in dependent claims. However, this Restriction is rendered moot, as Applicants have canceled Claims 16, 17, 20-23, 45, 46, and 47. Applicants note that these are dependent claims and that the independent claims encompass the subject matter of the canceled dependent claims (i.e., Applicants have not surrendered any subject matter through the cancellation of the claims).